

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
DANVILLE DIVISION**

MAR 30 2010

JOHN F. CORCORAN, CLERK  
BY: H. McDonald  
DEPUTY CLERK

In accordance with the written memorandum opinion entered this day, it is hereby

**ORDERED**

that petitioner's motion to vacate, set aside, or correct sentence, pursuant to 28 U.S.C. § 2255, is **DISMISSED** as untimely filed; petitioner's motion for leave to proceed in forma pauperis is **DENIED** as moot; a Certificate of Appealability is **DENIED**; and the action is **STRICKEN** from the active docket of the court.

The Clerk is directed to send copies of this order and the accompanying memorandum opinion to the petitioner and counsel of record for the United States.

**ENTER:** This 30<sup>th</sup> day of March, 2010.

  
Jackson L. Fries  
Senior United States District Judge